REMARKS

Claims 1-106 are pending in the Application, of which claims 1, 18, 35, 52, 69, 74, 87, and 100 are independent. Claims 1-106 stand rejected. Applicants amend claims 1- 6, 10-12, 15, 18, 20-25, 27-35, 37-40, 44-46, 49, 52, 54-57, 61- 63, 66, 69, 71-74, 76-77, 86-90, 99-100, and 102 to further clarify and point out the scope of the invention. Applicants cancel claims 19, 36, 53, 70, and 101 without prejudice or disclaimer. Applicants respectfully request that the Examiner reconsider the rejection of claims 1-106 and pass the claims to allowance.

I.　　　Rejections under 35 U.S.C. §102(e)

Claims 1-76, 78-79, 84, 87-89, 91, 97, 99-102, and 104-106 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,623,604 to Russell et al. ("Russell"). Applicants respectfully traverse the rejection.

A.　　　Claims 1-17

Applicants respectfully submit that Russell does not disclose at least the following features of claim 1: *providing an organizational structure in a storage having a plurality of members, each member corresponding to an environment configuration*; *searching said organizational structure to find a constituent member corresponding to said environment configuration that has been determined to be suitable for executing said unit of code*; and *generating said unit of code if said file name is not found in said constituent member*.

Russell is generally directed to a method for remotely altering programmable firmware stored in a PROM disposed on a target interactive network board (Russell at Abstract). The method downloads selected software programs to the system's DRAM for execution (Russell at col. 26, lines 41-44). This allows the method to configure the firmware of a Network Expansion Board, thereby configuring the Board's functionality (Russell at col. 26, lines 44-52).

Claim 1 recites a method for the management of software. The method determines the functionality of a unit of code, and generates a name corresponding to that functionality. An organizational structure, having a plurality of members corresponding to environment

configurations, is searched for the generated name. The unit of code is only generated if the name is not found. This allows the method of claim 1 to avoid name clashes and the unnecessary generation of duplicate code (Application at page 4, lines 17-19).

Russell does not disclose *providing an organizational structure in a storage having a plurality of members, each member corresponding to an environment configuration*. The Examiner suggests that Russell discloses an environmental configuration at col. 25, lines 44-50 (Office Action at page 2). The cited passage states:

> The EPROM 222 is delivered with firmware modules which permit the NEB 2 to be configured with either RPRINTER or PSERVER functionality. Therefore, the functionality of the NEB 2 will be determined by which of the stored programs are downloaded from EPROM 222 to DRAM 220 in accordance with the configuration code stored in NVRAM 228.

Russell utilizes, at most, only one environment configuration. The "configuration code" of Russell represents *the* configuration of the network expansion board (Russell at col. 26, lines 56-61). Therefore, Russell does not disclose *an organizational structure in a storage having a plurality of members, each member corresponding to an environment configuration*.

Further, Russell does not disclose *searching said organizational structure to find a constituent member corresponding to said environment configuration that has been determined to be suitable for executing said unit of code*; and *generating said unit of code if said file name is not found in said constituent member*.

The Examiner suggests that Russell discloses these features at col. 34, lines 5-25 (Office Action at page 7). The cited passage states:

> The descriptive name [of the NEB] is stored by the NEB in its NVRAM and is used by the NEB and other network devices to assist in identification. Under application type selection, the system administrator selects whether to configure the NEB as a CPSERVER or a CRPRINTER. If CPSERVER is selected, it is necessary to designate the name of the print server assigned to the NEB, password, application buffer size, queue service mode, form numbers, the printer number of the printer in which the NEB resides, the name(s) of the print queue(s) serviced by the NEB, and the name of the primary file server. If CRPRINTER is selected, it is necessary for the system administrator to designate the name of the

print server through which the NEB obtains its print information, the printer number of the printer in which the NEB resides, the name(s) of the print queue(s) serviced by the NEB, and the name of the primary file server.

This passage discusses setting configuration options for the NEB. There is no discussion in this passage of *searching said organizational structure*. While a number of variables are described in the cited passage, these represent variables which a system administrator must "designate" to the NEB. In other words, the system administrator must <u>set</u> these variables. There is no discussion in this passage of *<u>searching</u> said organizational structure to find a constituent member corresponding to said environment configuration that has been determined to be suitable for executing said unit of code*

Further, no code is generated in the above passage, and so this passage does not disclose *generating said unit of code if said file name is not found in said constituent member*.

Therefore, Applicants respectfully submit that Russell does not disclose each and every feature of independent claim 1. Claims 2-17 depend from claim 1 and, as such, include each and every feature of claim 1. Therefore, Russell does not disclose each and every feature of claims 2-17. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) rejection of claims 1-17.

B.   Claims 18-34

Independent claim 18 recites features similar to independent claim 1. Specifically, independent claim 18 recites *providing an organizational structure having a plurality of members, each member corresponding to an environment configuration; searching the organizational structure to find a constituent member corresponding to said environment configuration that has been determined to be suitable for executing said unit of code;* and *generating said unit of code if said function name is not found in said constituent member.* Applicants respectfully submit that Russell does not disclose these features of independent claim 18 for the same reasons as discussed in relation to independent claim 1, above.

Therefore, Applicants respectfully submit that Russell does not disclose each and every feature of independent claim 18. Claims 20-34 depend from claim 18 and, as such, include each and every feature of claim 18. Therefore, Russell does not disclose each and every feature of claims 20-34. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) rejection of claims 18 and 20-34. As claim 19 is canceled, Applicants consider the rejection of claim 19 to be moot.

C.   Claims 35-51

Independent claim 35 recites features similar to independent claim 1. Specifically, independent claim 35 recites *providing an organizational structure having a plurality of members, each member corresponding to an environment configuration; searching the organizational structure to find a constituent member corresponding to said environment configuration that has been determined to be suitable for executing said unit of code; and generating said unit of code if said macro name is not found in said constituent member.* Applicants respectfully submit that Russell does not disclose these features of independent claim 35 for the same reasons as discussed in relation to independent claim 1, above.

Therefore, Applicants respectfully submit that Russell does not disclose each and every feature of independent claim 35. Claims 37-51 depend from claim 35 and, as such, include each and every feature of claim 35. Therefore, Russell does not disclose each and every feature of claims 37-51. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) rejection of claims 35 and 37-51. As claim 36 is canceled, Applicants consider the rejection of claim 36 to be moot.

D.   Claims 52-68

Independent claim 52 recites features similar to independent claim 1. Specifically, independent claim 52 recites *providing an organizational structure having a plurality of members, each member corresponding to an environment configuration; searching the organizational structure for a constituent member corresponding to said environment configuration that has been determined to be suitable for executing said unit of code; and*

generating said unit of code if said class name is not found in said constituent member.
Applicants respectfully submit that Russell does not disclose these features of independent claim 52 for the same reasons as discussed in relation to independent claim 1, above.

Therefore, Applicants respectfully submit that Russell does not disclose each and every feature of independent claim 52. Claims 54-68 depend from claim 52 and, as such, include each and every feature of claim 52. Therefore, Russell does not disclose each and every feature of claims 54-68. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) rejection of claims 52 and 54-68. As claim 53 is canceled, Applicants consider the rejection of claim 53 to be moot.

E.   Claims 69-73

Independent claim 69 recites features similar to independent claim 1. Specifically, independent claim 69 recites *providing an organizational structure having a plurality of members, each member corresponding to an environment configuration; searching the organizational structure to find a constituent member corresponding to said environment configuration that has been determined to be suitable for executing said unit of code;* and *generating said unit of code if said identifier is not found in said constituent member.* Applicants respectfully submit that Russell does not disclose these features of independent claim 69 for the same reasons as discussed in relation to independent claim 1, above.

Therefore, Applicants respectfully submit that Russell does not disclose each and every feature of independent claim 69. Claims 71-73 depend from claim 69 and, as such, include each and every feature of claim 69. Therefore, Russell does not disclose each and every feature of claims 71-73. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) rejection of claims 69 and 71-73. As claim 70 is canceled, Applicants consider the rejection of claim 70 to be moot.

F.   Claims 74-76, 78-79, and 84

Independent claim 74 recites features similar to independent claim 1. Specifically, independent claim 74 recites *searching said constituent member corresponding to said first environment configuration to find an identifier of a unit of code, said identifier corresponding to said name for said first functionality;* and *creating said unit of code having said first functionality and being suitable for execution in said first environment configuration, if said identifier is not found in said searching.* Applicants respectfully submit that Russell does not disclose these features of independent claim 74 for the same reasons as discussed in relation to independent claim 1, above.

Therefore, Applicants respectfully submit that Russell does not disclose each and every feature of independent claim 74. Claims 75-76, 78-79, and 84 depend from claim 74 and, as such, include each and every feature of claim 74. Therefore, Russell does not disclose each and every feature of claims 75-76, 78-79, and 84. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) rejection of claims 74-76, 78-79, and 84.

G.   Claims 87-89, 91, 97, and 99

Independent claim 87 recites features similar to independent claim 1. Specifically, independent claim 87 recites causing a processor to *search said constituent member corresponding to said first environment configuration to find an identifier of a unit of code, said identifier corresponding to said name for said first functionality;* and *create said unit of code having said first functionality and being suitable for execution in said first environment configuration, if said file name is not found in said searching said constituent member corresponding to said first environment configuration step.* Applicants respectfully submit that Russell does not disclose these features of independent claim 87 for the same reasons as discussed in relation to independent claim 1, above.

Therefore, Applicants respectfully submit that Russell does not disclose each and every feature of independent claim 87. Claims 88-89, 91, 97, and 99 depend from claim 87 and, as such, include each and every feature of claim 87. Therefore, Russell does not disclose each and

every feature of claims 88-89, 91, 97, and 99. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) rejection of claims 87-89, 91, 97, and 99.

H.   Claims 100-102 and 104-106

Independent claim 100 recites:

100.   In an electronic device, a system for managing code, comprising:
a storage for storing:
     a functionality identifier, identifying a functionality of a unit of code;
     an environment configuration identifier, identifying an environment configuration suitable for executing said unit of code;
a processor to:
     execute a naming mechanism that derives a name for said unit of code corresponding to said functionality for said unit of code; and
     locate a file having said name in a directory corresponding to said environment configuration.

Applicants respectfully submit that Russell does not disclose at least *a naming mechanism derives a name for said unit of code corresponding to said functionality for said unit of code*, and *[a processor to] locate a file having said name in a directory corresponding to said environment configuration*. The Examiner suggests that Russell discloses these features of claim 100 at col. 34, lines 5-25 (Office Action at pages 2-3). The cited passage has been reproduced above in relation to claim 1. This passage does not discuss *a name for said unit of code*, as what is named is the Network Expansion Board, and not a unit of code. The cited passage does not *locate a file having said name in a directory*. No directory is discussed in the cited passage. Further, the cited passage does not discuss *a directory corresponding to said environment configuration*. The cited passage is silent as to an environment configuration.

Therefore, Applicants respectfully submit that Russell does not disclose each and every feature of independent claim 100. Claims 102 and 104-106 depend from claim 100 and, as such, include each and every feature of claim 100. Therefore, Russell does not disclose each and every feature of claims 102 and 104-106. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) rejection of claims 100, 102 and 104-106. As claim 101 is canceled, Applicants consider the rejection of claim 101 to be moot.

II.   Rejections under 35 U.S.C. §103(a)

Claims 77, 80-83, 85, 86, 90, 93-96, 98 and 103 are rejected under 35 U.S.C. §103(a) as being obvious under Russell in view of U.S. Patent No. 6,807,631 to Fuller et al. ("Fuller"). Applicants respectfully traverse the rejection.

A.   Claims 77, 80-83, 85, and 86

Claims 77, 80-83, 85, and 86 depend from claim 74 and, as such, include each and every feature of claim 74. As discussed above, Russell does not disclose or suggest *searching said constituent member corresponding to said first environment configuration to find an identifier of a unit of code, said identifier corresponding to said name for said first functionality;* and *creating said unit of code having said first functionality and being suitable for execution in said first environment configuration, if said identifier is not found in said searching,* which are present in claim 74. The addition of Fuller does not cure the factual deficiencies of Russell with respect to these features.

Fuller is generally directed to a system for deploying a hardware configuration with a computer program (Fuller at Abstract). The program may perform an instrumentation, measurement/control, industrial automation, or machine vision function, or other type of function utilizing hardware devices, and the behavior of the program may depend on various aspects of the hardware configuration of the computer system. An installation bundle that includes configuration information related to the hardware devices with which the program interacts may be automatically created and used to deploy the program on a new computer system. The installation bundle may include program instructions operable to install the program on the new computer system and automatically modify the hardware configuration of the new computer system so that the program will execute correctly.

Fuller is silent as to *searching said constituent member corresponding to said first environment configuration to find an identifier of a unit of code, said identifier corresponding to said name for said first functionality*. The "configuration information" of Fuller is stored in files, databases, or registries (Fuller at col. 9, lines 29-31). This "configuration information" is

not searched for an identifier of a unit of code. Rather, this information is used to perform, for example, instrumentation or measurement functions utilizing the hardware devices. This does not correspond to ***searching said constituent member corresponding to said first environment configuration to find an identifier of a unit of code***.

Further, Fuller does not ***create said unit of code*** having said *first functionality and suitable for execution in said first environment configuration*, ***if said identifier is not found in said searching***. Fuller is silent as to this feature of claim 74. Because Fuller never searches for an identifier of a unit of code, Fuller never creates the unit of code if said identifier is not found.

Therefore, Applicants respectfully submit that Russell and Fuller, alone or in any reasonable combination, do not disclose or suggest each and every feature of independent claim 74. Claims 77, 80-83, 85, and 86 depend from claim 74 and, as such, include each and every feature of claim 74. Therefore, Russell and Fuller do not disclose or suggest each and every feature of claims 77, 80-83, 85, and 86. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §103(a) rejection of claims 77, 80-83, 85, and 86.

B.   Claims 90, 93-96, and 98

Claims 90, 93-96, and 98 depend from claim 87 and, as such, include each and every feature of claim 87. As discussed above, Russell does not disclose or suggest causing a processor to ***search said constituent member corresponding to said first environment configuration to find an identifier of a unit of code, said identifier corresponding to said name for said first functionality;*** and ***create said unit of code having said first functionality and being suitable for execution in said first environment configuration, if said file name is not found in said searching said constituent member corresponding to said first environment configuration step***, which are present in claim 87. These features are the same as the features discussed above in relation to the §103(a) rejection of claims 77, 80-83, 85, and 86. For the same reasons as discussed above, the addition of Fuller does not cure the factual deficiencies of Russell with respect to these features of claim 87.

Therefore, Applicants respectfully submit that Russell and Fuller, alone or in any reasonable combination, do not disclose or suggest each and every feature of independent claim

87. Claims 90, 93-96, and 98 depend from claim 87 and, as such, include each and every feature of claim 87. Therefore, Russell and Fuller do not disclose or suggest each and every feature of claims 90, 93-96, and 98. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §103(a) rejection of claims 90, 93-96, and 98.

C.   Claim 103

Claim 103 depends from claim 100 and, as such, includes each and every feature of claim 100. As discussed above, Russell does not disclose or suggest *a naming mechanism derives a name for said unit of code corresponding to said functionality for said unit of code*, and *[a processor to] locate a file having said name in a directory corresponding to said environment configuration*, which are present in claim 100. The addition of Fuller does not cure the factual deficiencies of Russell with respect to these features of claim 100.

In Fuller, no name is derived for the unit of code. Further, Fuller does not *locate a file having said name in a directory corresponding to said environment configuration*. Fuller is silent as to these features of claim 100.

Therefore, Applicants respectfully submit that Russell and Fuller, alone or in any reasonable combination, do not disclose or suggest each and every feature of independent claim 100. Claim 103 depend from claim 100 and, as such, include each and every feature of claim 100. Therefore, Russell and Fuller do not disclose or suggest each and every feature of claim 103. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §103(a) rejection of claim 103.

CONCLUSION

Applicants believe the pending application is in condition for allowance. If the Examiner deems that issues persist, the Examiner is encouraged to call the Applicants' attorney.

Dated: June 10, 2008   Respectfully submitted,

Electronic signature: /Kevin J. Canning/
Kevin J. Canning
Registration No.: 35,470
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant